

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

UNITED STATES OF AMERICA)
)
)
v.) Case No. 4:06-cr-27
)
) Judge Edgar
TERRANCE BENSON)

ORDER

Defendant and federal prisoner Terrance Benson has made a motion to modify and reduce his term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2) based on a retroactive application of Amendments 706 and 711 to the United States Sentencing Guidelines. [Doc. No. 32].

The United States government shall file its response on or before **January 5, 2009**. If movant Benson and the government are able to reach an agreement concerning what they believe is a proper disposition of the motion, they may submit a joint recommendation and tender a proposed agreed order for the Court's consideration. The ultimate decision on the motion is in the Court's discretion under 18 U.S.C. § 3582(c)(2).

After the government files its response, the Probation Office shall prepare and provide to the Court and to counsel for the parties a supplemental sentencing report or Sentence Modification Report that addresses the following issues:

- (1) A summary of the procedural history of the sentencing decisions, including whether the original sentence was imposed pursuant to *United States v. Booker*, 543 U.S. 220 (2005), reflected any departures or variances, or was reduced under U.S.S.G. § 5K1.1 or Fed. R. Crim. P. 35(b);

- (2) The original Sentencing Guideline calculation, and a recalculation of the Guideline range in accordance with U.S.S.G. § 1B1.10 and Amendment 706 as amended by Amendment 711 to the Sentencing Guidelines;
- (3) A statement whether the movant is eligible for a reduction of sentence under 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10 based on a retroactive application of Amendments 706 and 711, and the basis and reasons for reaching that conclusion;
- (4) Any information available to the Probation Office from the United States Bureau of Prisons concerning the movant's post-sentencing conduct or misconduct while imprisoned in federal custody;
- (5) Any information available to the Probation Office concerning relevant public safety considerations, including the danger to any person or the community that may be posed by a reduction in the term of imprisonment. This includes information concerning the need to protect the public from the commission of further crimes by the movant; and
- (6) A recommendation for the Court's disposition of the 18 U.S.C. § 3582(c)(2) motion.

SO ORDERED.

ENTER this the 5th day of December, 2008.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE